

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 212 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

JYTOKABEN BIPINCHANDRA PARIKH

Versus

DENA BANK

Appearance:

MR HM PARIKH for Petitioner

MR ABHIJIT JOSHI for Respondent No. 1

None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/01/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the parties.
2. Mr.Joshi, learned counsel for the respondent No.1 made a statement before the court that in the civil suit

evidence of both the parties have already been completed and the suit is there at the stage of final arguments. Under the impugned order the petitioner's application filed for review of the order passed by the trial court below Exh.80 has been rejected. One of the contentions raised in the application that the order below Exh.80 has been passed without hearing the learned counsel for the petitioner. This contention was not found favour with the trial court and rightly so. Otherwise also when the suit is reached at the stage where now only final arguments are to be heard and it has to be decided, no interference is called for in the impugned order. The court only ordered that pending the suit the petitioner may not transfer her property. It is a suit filed by the bank for recovery of the loan money advanced to the loanee. All proper steps at this stage are to be taken so that sufficient property is remained with the loanee by sale of which the decretal amount may be recovered. It is a precautionary measures and to which no exemption can be made. The very fact that the petitioner intends to sale her property goes to show that she has not come before the court with clean hands.

3. In the result, this civil revision application fails and the same is dismissed. The trial court is directed to disposed of the suit within a period of two months from the date of receipt of the writ of this order. Rule discharged.

(S.K.Keshote,J.)
(pathan)